IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 2258 of 2005

Between:

L.Rangaiah

.....APPELLANT

AND

1.Smt. L.Parvathamma and 2 others.

.....RESPONDENTS

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

Respondent No.1 filed a Writ Petition being W.P.No.22458 of 2003 in this Court seeking a direction to respondent No.2-Mandal Revenue Officer, Kollapur, to decide her application with respect to mutation of land in Sy.No.469 of Pentlavally Village, Kollapur Mandal, Mahaboobnagar District, in her favour. She claimed that

she is the wife of one Shankaraiah, who was the registered owner, pattadar and possessor of agricultural land in Sy.No.469 measuring Ac.2-01 cents, and after the death of Shankaraiah, she had moved an application in prescribed form under Section 4(1) of the A.P. Rights in Land and Pattedar Pass Books Act, 1971 (for short 'the Act'), but respondent No.2-Mandal Revenue Officer was not deciding the matter. The Court disposed of the writ petition directing respondent No.2-Mandal Revenue Officer to pass appropriate orders on the application made by respondent No.1.

This Writ Appeal has been filed by a third party, who claims to be the brother of late Shankaraiah, and submits that the property belongs to joint family, and respondent No.1 has obtained an order behind his back.

Heard learned Counsel for the parties and perused the record.

The Court has not passed any order deciding the rights of the parties. It has merely asked respondent No.2-Mandal Revenue Officer to pass appropriate orders on the application made by respondent No.1. Respondent No.2-Mandal Revenue Officer had already passed the order, and mutated the land in favour of the wife and children of late Shankaraiah *vide* Proceedings No.A/ROR/10526/2003, dt. 24-01-2004, copy of which has been filed along with counter by respondent No.1. That order is also subject matter of appeal before the authorities concerned. Since the order of this Court has already been given effect to, and respondent No.2-Mandal Revenue Officer had already passed order, therefore, this Writ Appeal is not maintainable. In any case, this Court while disposing of the writ petition had not decided the rights of any person, and it had not held that Parvathamma-respondent No.1 was entitled to mutation.

With these observations, Writ Appeal is dismissed. No costs.

(Bilal Nazki, A.C.J)

21st November, 2005

(R.Subhash Reddy, J)

LUR